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C.R.P.No.3201 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3201 of 2025
and C.M.P.No.17753 of 2025

Malliga,
W/o.Rajendhiran

... Petitioner

vs.

1. Mahalakshmi,
W/o. Selvam

2. Selvam,
S/o. Ramalingam

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records in D.V.C.No.12 of 2024 pending on the file of Judicial Magistrate – I, Kallakurichi and quash the same.

For Petitioner : Mr.M.Ramadoss

For Respondents : Mr.A.Karthikeyan [R1]



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ORDER

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2. The learned counsel for the petitioner would submit that the petitioner has not caused any domestic violence against the first respondent and there is no specific allegation against the petitioner.

3. Whether the petitioner has committed domestic violence against the first respondent or not is a matter to be decided based on the evidence at the time of enquiry and therefore, at this stage, this Court cannot go into the merits.

4. The Full Bench of this Court in the case of *Arul Daniel and Others Versus Suganya* reported in (2022) SCC Online Mad 5435 held that any person aggrieved by the process issued by the Judicial Magistrate

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can go before the very same Judicial Magistrate and raise preliminary objections with regard to the issues like existence of a shared household/domestic relationship etc. If any order is passed, the aggrieved person can also take recourse to an appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005. The relevant portion reads as follows:-

“87(vii). As there is no issuance of process as contemplated under Section 204, Cr.P.C. in a proceeding under the D.V. Act, the principle laid down in Adalat Prasad v. Rooplal Jindal ((2004) 7 SCC 338) that a process, under Section 204, Cr.P.C, once issued cannot be reviewed or recalled, will not apply to a proceeding under the D.V. Act. Consequently, it would be open to an aggrieved respondent (s) to approach the Magistrate and raise the issue of maintainability and other preliminary issues. Issues like the existence of a shared household/domestic relationship etc., which form the jurisdictional basis for entertaining an application under Section 12, can be determined as a preliminary issue, in appropriate cases. Any person



aggrieved by such an order may also take recourse to an appeal under Section 29 of the D.V. Act for effective redress (See V.K. Vijayalekshmi Amma v. Bindu V., (2010) 87 AIC 367). This would stem the deluge of petitions challenging the maintainability of an application under Section 12 of the D.V. Act, at the threshold before this Court under Article 227 of the Constitution.”

5. In view of the categorical pronouncement of law by the Full Bench of this Court that a person aggrieved by issuance of process can very well approach the concerned Judicial Magistrate raising preliminary issues and hence, this Court is not inclined to exercise its supervisory power under Article 227 of the Constitution of India. When petitioner has remedy before regular Magistrate as held by the Hon'ble Apex Court in the case of ***Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society*** reported in ***MANU/SC/1365/2019***, this Court need not exercise its supervisory jurisdiction.

6. Accordingly, the Civil Revision Petition is dismissed with liberty



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to the petitioner to approach the very same Judicial Magistrate viz.,

Judicial Magistrate – I, Kallakurichi raising preliminary issues. If any such application is filed and preliminary issue with regard to the maintainability of the petition against revision petitioner is raised, the Judicial Magistrate shall consider the same and dispose of the same as expeditiously as possible. Taking into consideration the allegations made in the complaint, the personal appearance of the petitioner is dispensed with before the learned Judicial Magistrate – I, Kallakurichi, unless her personal appearance is absolutely necessary. No costs. Consequently, the connected civil miscellaneous petitions are closed.

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Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

mp

To

1. The Judicial Magistrate – I, Kallakurichi.

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2. V.R.Section,
High Court of Madras.

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S.SOUNTHAR, J.

mp

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